

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

SUBJECT ACCOUNT:

Google Email Account: dwiththenline44@gmail.com

Case No. MJ22-267

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 18 U.S.C. § 844(i)

Offense Description

Arson

The application is based on these facts:

- ☒ See Affidavit of , continued on the attached sheet.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

NATALIA VOROTNIKOVA

Digitally signed by NATALIA VOROTNIKOVA
Date: 2022.06.15 13:34:03 -07'00'

Applicant's signature

Special Agent Natalia Vorotnikova, ATF

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: June 16, 2022

Judge's signature

City and state: Seattle, Washington

Hon. Brian A. Tsuchida, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

AFFIANT BACKGROUND AND INTRODUCTION

2. I received formal training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I successfully completed the Criminal Investigators Training Program (CITP), which familiarized me with basic narcotic investigations, drug identification, drug detection, familiarization with United States narcotics laws, financial investigations, money laundering, identification and seizure of drug-related assets, organized crime investigations, physical and electronic surveillance and undercover operations. In addition, I successfully completed a fourteen-week, ATF Special Agent

1 Basic Training (SABT) course in Glynco, Georgia. SABT included comprehensive,
 2 formalized instruction in, amongst other things: firearms identification, firearms
 3 trafficking, arson investigations, explosives identification and investigation along with
 4 alcohol and tobacco diversion. I have a Bachelor of Science Degree in Criminal Justice
 5 from Winona State University in Winona, Minnesota.

6 3. As noted above, I am responsible for investigations involving specified
 7 unlawful activities, to include violent crimes involving firearms and arsons that occur in
 8 the Western District of Washington. I am also responsible for enforcing federal firearms
 9 and explosives laws and related statutes in the Western District of Washington. I received
 10 training on the proper investigative techniques for these violations, including the
 11 identification of firearms and the location of the firearms' manufacture. I have actively
 12 participated in investigations of criminal activity, including but not limited to crimes
 13 against persons, crimes against property, narcotics-related crimes, and crimes involving
 14 the possession and use, theft, or transfer of firearms, and arson investigations. During
 15 these investigations, I have also participated in the execution of search warrants and the
 16 seizure of evidence indicating the commission of criminal violations.

17 4. I make this affidavit in support of an application for a search warrant for
 18 data and information associated with an account ("Target Account") stored at premises
 19 controlled by an electronic communications service and/or remote computer service
 20 provider ("Provider"), referenced below. The information to be searched is described in
 21 the following paragraphs and in Attachment A, which is incorporated herein. This
 22 affidavit is made in support of an application for a search warrant under 18 U.S.C.
 23 §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require:

24 a. Google LLC ("Google" or "Provider"), located at 1600
 25 Amphitheatre Parkway, Mountain View, California, to disclose to the government copies
 26 of the information, including the content of communications, further described in
 27 Section I of Attachment B, pertaining to the account associated with the following,
 28 identified in Attachment A: **dwighthenline44@gmail.com**.

1 Upon receipt of the information described in Section I of Attachment B, government-
 2 authorized persons will review that information to locate the items described in Section II
 3 of Attachment B. This warrant is requested in connection with an ongoing investigation
 4 in this district by the Seattle Field Office of the ATF.

5 5. As set forth below, the Target Account is believed to be used by DWIGHT
 6 C. HENLINE, who has engaged in arson. On about May 18, 2022, a Grand Jury in the
 7 Western District of Washington issued an Indictment charging DWIGHT C. HENLINE
 8 with Arson in violation of Title 18, United States Code, Section 844(i).

9 6. The facts set forth in this Affidavit are based on my personal knowledge;
 10 information obtained from other individuals during my participation in this investigation,
 11 including other law enforcement officers; review of documents and records related to this
 12 investigation; communications with others who have personal knowledge of the events
 13 and circumstances described herein; and information gained through my training and
 14 experience. Because this Affidavit is submitted for the limited purpose of establishing
 15 probable cause in support of a criminal complaint, it does not set forth every fact that I
 16 and others have learned during this investigation.

17 7. Based on my training and experience and the facts as set forth in this
 18 affidavit, there is probable cause to believe that violations of Title 18, United States
 19 Code, Section 844(i) (Arson), (“Target Offense”), has been committed by DWIGHT C.
 20 HENLINE. There is also probable cause to search the information described in
 21 Attachment A for evidence, instrumentalities, and fruits of these crimes further described
 22 in Attachment B.

23 **SUMMARY OF PROBABLE CAUSE**

24 **The Fire**

25 8. On Thursday, April 7, 2022, at approximately 3:43 a.m., the San Juan
 26 County Sheriff’s Office (SJCSO) dispatch received a call from a citizen who reported he
 27 observed flames emanating from the rear of the Crystal Seas Kayaking building located
 28 at 40 Spring Street, Friday Harbor, Washington. San Juan County Fire Department units

1 arrived to fight the fire, including elements from Orcas and Lopez Island Fire
2 Departments. Fire units continued to fight the fire until approximately mid-day, April 7,
3 2022. The fire spread to the adjacent buildings located southwest of Crystal Seas
4 Kayaking, which housed the businesses Windermere Real Estate, Crow's Nest Coffee,
5 and Herb's Tavern, resulting in severe damage to or total destruction of those businesses.
6 Cost estimates are ongoing, but are projected to be in the millions of dollars. San Juan
7 County requested assistance from ATF to investigate the cause and origin of the fire.

8 9. From April 9, 2022, through April 13, 2022, subject matter experts from the
9 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Response Team
10 (NRT) processed the scene to determine the origin and cause of the fire. The team
11 included certified fire investigators, certified explosive specialists, electrical engineers,
12 fire protection engineers, and other specialists. The scientific method was followed
13 during the course of the scene investigation. As investigators collected and analyzed data,
14 numerous hypotheses were developed and considered. Investigators considered all
15 reasonable causes/ignition hypotheses that were supported by evidence, including
16 accidental, natural, and willful action. Personnel interviewed witnesses, assessed fire
17 patterns, and analyzed fire dynamics relevant to the scene.

18 10. Investigators located and recovered video from a Nest Security System in
19 the Windermere Real Estate Office. Windermere is housed at 50 Spring Street,
20 immediately adjacent to Crystal Seas Kayaking. One of the cameras inside Windermere
21 was set in a rear conference room, pointing towards the back of the building. The
22 windows in that conference room were adjacent to and looked out at the rear wooden
23 deck area of the Crystal Seas Kayaking building. However, on the evening of April 6,
24 2020, the shades to those windows were closed.

25 11. Although the shades were closed, the video captured a bright flash of light
26 at approximately 10:04 p.m. on April 6, 2022 (*Figure 1*). The flash of light lasted for
27 approximately 34 seconds and then began to flicker and diminish in brightness. The audio
28 also captured a crackling sound.



Figure 1

12. At approximately 3:15 a.m. on April 7, 2022, the Windermere Real Estate Office's Nest Security System began capturing a glow through the windows and the glass door of the conference room. The glow continued to intensify.

13. At approximately 03:38 a.m., a glow consistent with fire and what appeared to be white smoke were observed outside the windows and the glass door (*Figure 2*). The camera subsequently went offline.

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Figure 2

14. Investigators excavated and sifted the rear portion of the building and deck area behind Crystal Seas Kayaking. Investigators examined the electrical system and components within the same area and eliminated them as a potential cause of the fire. Investigators considered potential accidental fire causes and tested them against the available data, subsequently eliminating them as a cause of the fire.

15. Based upon witness statements, fire patterns, and fire dynamics, including an analysis of CCTV video, it is the combined opinion of the subject matter experts from the ATF National Response Team that the fire originated on the lower rear wooden deck behind Crystal Seas Kayaking. The cause of the fire was an ignitable liquid being introduced into the fire scene and ignited. After an ignitable liquid is ignited, the fire grows rapidly in intensity, producing bright light. As the ignitable liquid is consumed, the fire and the light it produces diminish. When there are other fuels—like a wooden deck—the fire may smolder for some time before again increasing in intensity as these other fuels are consumed. ATF experts have observed similar fire dynamics in laboratory settings where ignitable liquids were used.

1 16. Due to analysis of the previously stated data, ATF has classified the fire as
2 incendiary. In this context, incendiary means that the fire did not have an accidental or
3 natural cause. Instead, it was intentionally started.

4 **Identification of DWIGHT C. HENLINE as Being in the Vicinity of the**
5 **Fire When It Began**

6 17. During their investigation, ATF Special Agents and SJCSO personnel
7 collected video from several businesses and government agencies in the vicinity of 40
8 Spring Street. Analysis of selected video feeds show the following:

9 a. Investigators located and reviewed surveillance footage from the
10 camera located on the Port of Friday Harbor dock. The camera was facing approximately
11 southwest toward the intersection of Front Street and Spring Street. On April 6, 2022, at
12 approximately 10:05 p.m., investigators observed a subject walking quickly from the area
13 near the Cask and Schooner toward the ferry landing. The Cask and Schooner is a
14 restaurant adjacent to the Crystal Seas Kayaking building (on the other side from
15 Windermere) and the scene of the fire.

16 This video was not of a quality that allowed investigators to specifically
17 identify the subject, because of the distance from the intersection and the dark conditions,
18 but it did allow for continuous tracking of the subject's movements. After coming into
19 view at 10:05 p.m., the subject appeared to walk down the stairs towards the lower deck
20 area of Friday Harbor Ice Cream Co. at approximately 10:06 p.m. Friday Harbor Ice
21 Cream Co. is located at 1 Front Street South in Friday Harbor, northeast of the fire scene.
22 There are no open businesses in this lower deck area; rather, it is under the ice cream
23 shop along the harbor.

24 After a short period, the subject then walked back upstairs and around the
25 front of the ice cream business toward the ferry landing, this time pulling a rolling
26 suitcase. (Note: Footage from the same surveillance camera earlier that same evening
27 showed a subject consistent with the subject mentioned above bringing a rolling suitcase
28 down the stairs to the Friday Harbor Ice Cream Co.'s lower deck area at approximately

1 7:50 p.m., then walking up the stairs without the suitcase at approximately 8:10 p.m. The
2 same subject appeared to re-enter the deck area on multiple occasions between 8:24 p.m.
3 and 9:37 p.m., always leaving the suitcase behind.)

4 b. Investigators did not locate any video that showed individuals other
5 than this subject in the general vicinity of the Crystal Seas Kayaking building at the time
6 the fire began, at approximately 10:04 p.m., although investigators did not locate any
7 video that showed the building at 40 Spring Street itself.

8 c. Investigators obtained photos from surveillance video from the
9 Washington State Patrol. One of the photos depicted the passenger area of the Friday
10 Harbor Ferry Terminal. On April 6, 2022, at approximately 10:12 p.m., a subject
11 consistent with the subject that retrieved a suitcase walked towards the ferry's walk-on
12 passenger loading area (*Figure 3*). The subject appeared to be coming from the direction
13 of the Friday Harbor Ice Cream Co., and the time required to walk that short distance is
14 consistent with the subject being the person who retrieved the suitcase. There were few
15 passengers in the passenger ferry terminal that evening, and the subject was the only one
16 pulling a rolling suitcase. The subject ultimately the boarded the Washington State Ferry
17 bound for Anacortes, Washington, at 10:24 p.m. The ferry departed at 10:38 p.m. for the
18 approximately 65-minute ride to Anacortes.

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Figure 3

d. Washington State Patrol provided a photo depicting the subject walking through the passenger area of the ferry at 11:52 p.m. (*Figure 4*). The photo was of a quality that allowed for recognition of articles of clothing and the subject's general features, but a clear shot of his face was not available. The subject appeared to be a white male with medium length dark hair. The subject was wearing a camouflage baseball cap, an olive drab T-shirt, possible camouflage pants, military-style boots, dark-colored gloves, and a dark watch on his left wrist. A large fixed-blade knife was observed in a holster on his left hip.

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Figure 4

e. At approximately 11:57 p.m., the subject disembarked the ferry upon its arrival in Anacortes. At approximately 12:04 a.m. on April 7, 2022, the subject entered a dark-colored sedan and departed the ferry lot (*Figure 5*).

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Figure 5

18. This subject on the ferry was ultimately identified as DWIGHT C. HENLINE as discussed below. DWIGHT C. HENLINE was known to San Juan County law enforcement personnel, and his actions had generated several calls for service in Friday Harbor on April 6, 2022, such that sheriff's deputies and others interacted with him that day before he departed Friday Harbor on the ferry.

1 a. SJCSO Case # 22-2060: At approximately 3:15 p.m. on April 6,
 2 2022, SJCSO deputies responded to a burglary in progress at Saint Francis Catholic
 3 Church, located at 425 Price Street in Friday Harbor, Washington. This church is about a
 4 half mile, 10- to 15-minute walk from the scene of the fire at 40 Spring Street. The
 5 complainant, DWIGHT C. HENLINE's former roommate E.K., told deputies he
 6 observed a subject that looked like DWIGHT C. HENLINE entering the structure.
 7 Deputies did not locate any subjects on the church's premises.

8 b. SJCSO Case # 22-2066: At 5:44 p.m. on April 6, 2022, complainant
 9 J.B. identified DWIGHT C. HENLINE by name and stated DWIGHT C. HENLINE had
 10 harassed him and his girlfriend, A.C., by making veiled threats that he was going to
 11 "come after" the complainant when he least suspected it. A.C. had formerly dated
 12 DWIGHT C. HENLINE, and DWIGHT C. HENLINE was alleged to have followed her
 13 to Friday Harbor after they broke up. The complainant was advised to obtain an anti-
 14 harassment order.

15 c. SJCSO Case # 22-2068: At 6:23 p.m. on April 6, 2022, a
 16 complainant asked law enforcement to trespass DWIGHT C. HENLINE, whom she
 17 identified by name, from the Presbyterian Church properties located at 395 Spring Street
 18 in Friday Harbor, Washington. The Presbyterian church is only three or four blocks and a
 19 five-minute walk from the scene of the fire at 40 Spring Street. The complainant asked
 20 that DWIGHT C. HENLINE be trespassed because of his "hostile and creepy" behavior
 21 at an Alcoholics Anonymous meeting that morning at the church. SJCSO Deputy Jay
 22 Holt located DWIGHT C. HENLINE at his van, a 1999 Mercury Villager bearing
 23 Washington license plate BLG0649. The vehicle was parked at Washington State Ferries
 24 Lot C, which is approximately three blocks from the location of the fire. Deputy Holt
 25 served DWIGHT C. HENLINE with the trespass notice at approximately 7:15 p.m.
 26 DWIGHT C. HENLINE told Deputy Holt that he was intending to leave the island the
 27 following day to return to Oak Harbor. DWIGHT C. HENLINE further told Deputy Holt
 28

1 that he had a suitcase at the church that he needed to retrieve. A bystander who had towed
2 DWIGHT C. HENLINE's vehicle to the lot advised he would retrieve the suitcase.

3 19. In addition to the cases listed above, the SJCSO has a number of historical
4 records involving DWIGHT C. HENLINE.

5 a. Deputy Holt arrested DWIGHT C. HENLINE after a collision on
6 July 8, 2021, because he was driving under the influence of alcohol or intoxicants.
7 Deputy Holt found that DWIGHT C. HENLINE was in possession of a firearm, which he
8 was ineligible to possess due to a previous domestic violence conviction (21-5890).

9 b. On February 5, 2022, Deputy Holt again had contact with DWIGHT
10 C. HENLINE, this time regarding arguments he was having with his roommate, E.K. (22-
11 000822). Through that investigation, Deputy Holt learned DWIGHT C. HENLINE was
12 living with E.K. at E.K.'s residence in Friday Harbor, Washington, and that DWIGHT C.
13 HENLINE was using his van to store personal items.

14 c. On February 22, 2022, DWIGHT C. HENLINE made a report to law
15 enforcement claiming that E.K. had committed the offense of unlawful weapons
16 possession. E.K. was subsequently arrested for unlawful possession of firearms, and
17 DWIGHT C. HENLINE moved out of E.K.'s residence. While reporting the unlawful
18 possession of firearms by E.K., DWIGHT C. HENLINE provided law enforcement with
19 his own phone number: (360) 544-2519. (Note: During the arson investigation, the
20 investigators researched phone number (360) 544-2519 and found information linking it
21 to Julie (J.) Harrop. During further research, J. Harrop was identified as DWIGHT C.
22 HENLINE's mother.)

23 20. On April 11, 2022, ATF SA Ellen Michelin, a member of the National
24 Response Team on site to help with the investigation, interviewed Deputy Holt regarding
25 his contacts with DWIGHT C. HENLINE. Deputy Holt described the clothing worn by
26 DWIGHT C. HENLINE during the law enforcement contact on April 6, 2022, and it was
27 consistent with the photo of a subject walking through the ferry passenger area provided
28 by Washington State Patrol. ATF investigators showed Deputy Holt a still photo of the

1 subject walking through the passenger area of the ferry on April 6, 2022, and he
2 positively identified DWIGHT C. HENLINE as that subject. This is the same subject
3 who walked from the area of the Cask and Schooner at 10:05 p.m., went to obtain the
4 suitcase at 10:06 p.m. at Friday Harbor Ice Cream Co., entered the ferry's passenger
5 waiting area at 10:12 p.m., and boarded the ferry at 10:24 p.m., all on April 6, 2022.

6 21. SJCSO Detective Lukas Peter, who was working on the investigation with
7 ATF agents, separately showed the same still photo to his colleague SJCSO Deputy
8 Nawn. Deputy Nawn, who has also had prior law enforcement contact with DWIGHT C.
9 HENLINE, also positively identified DWIGHT C. HENLINE as the subject on the ferry
10 based on his prior interactions with him. Deputies Nawn and Holt were both able to
11 identify DWIGHT C. HENLINE based on his unique physical features.

12 22. On April 11, 2022, Det. Peter interviewed A.C., DWIGHT C. HENLINE's
13 former girlfriend. A.C. said she dated DWIGHT C. HENLINE for approximately two
14 years, ending the relationship in January 2021. A.C. said she lived with DWIGHT C.
15 HENLINE on Whidbey Island, then moved back to San Juan Island after their breakup.
16 A.C. said DWIGHT C. HENLINE also moved up to San Juan Island and had been
17 behaving strangely since. A.C. reported that DWIGHT C. HENLINE's demeanor was
18 erratic; sometimes he asked to hang out with her and sometimes he threatened to kill her
19 through unspecified means. A.C. said that on or about April 6, 2022, DWIGHT C.
20 HENLINE appeared to be intoxicated in a vacant lot near Spring Street and was yelling
21 veiled threats about "getting" her and her new boyfriend. A.C. said she heard that
22 HENLINE had left the island.

23 **DWIGHT C. HENLINE's Activities on April 6, 2022**

24 23. ATF agents reviewed high quality surveillance footage collected from
25 King's Market, a grocery store located at 160 Spring Street in Friday Harbor, across the
26 street from Herb's Tavern, which is one of the buildings destroyed in the fire. The video
27 depicted a subject—who was clothed similarly to the subject identified as DWIGHT C.
28 HENLINE—purchasing three items, which were later determined to be two Monster

energy drinks and one bag of M&Ms, and paying with a card at 5:04 p.m. (Note: The receipt for 5:04 p.m. purchase was subsequently located in DWIGHT C. HENLINE's vehicle during the execution of a search warrant, discussed below.) The subject set the purchased items, which were contained in a blue plastic bag, on the floor near the main entry door and walked out of view from the camera. The subject then returned to the register and purchased gallon jugs of bleach and ammonia with a card at approximately 5:11 p.m. on April 6, 2022 (**Figure 6**). SJCSO Deputy Brandt, who has had prior law enforcement contact with DWIGHT C. HENLINE, reported that she was off duty at approximately that time and observed DWIGHT C. HENLINE in the cleaning product aisle.

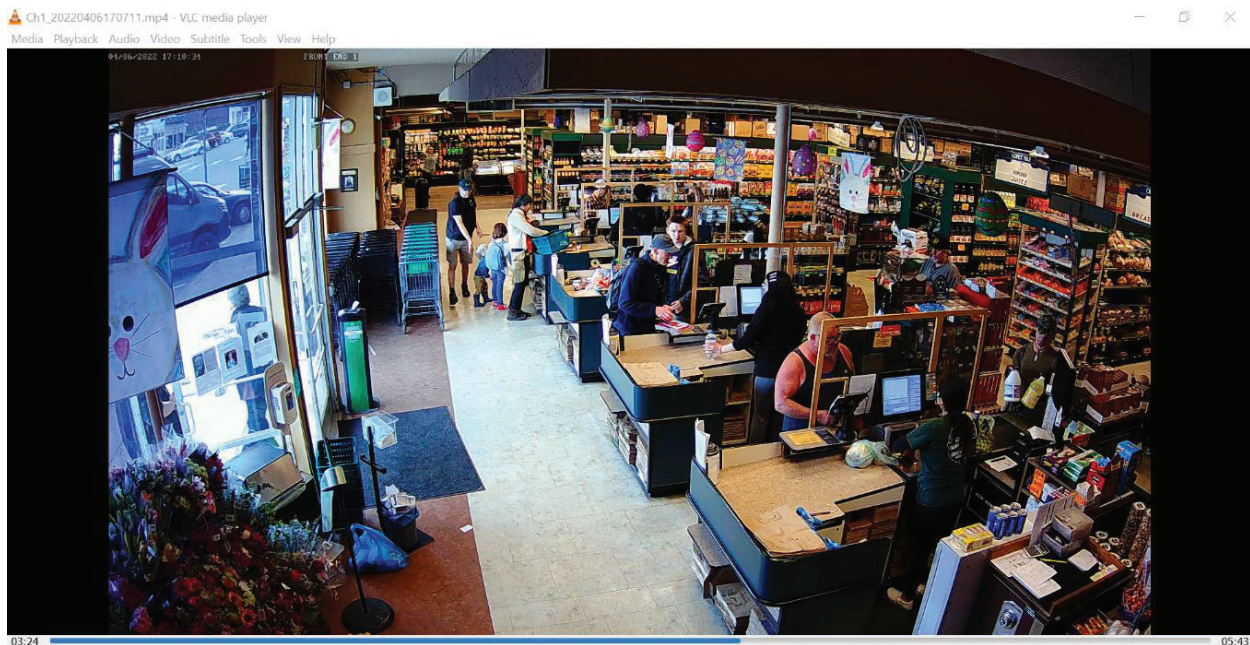


Figure 6

24. ATF agents also reviewed surveillance footage from the nearby Little Store, located at 285 Spring Street, Friday Harbor, Washington, about two blocks from the scene of the fire on the same street. The footage showed a subject purchasing an 8-ounce yellow bottle of Ronsonol lighter fuel at 9:53 p.m. (i.e., eleven minutes before the fire began) on April 6, 2022 (**Figures 7 and 8**). The subject paid \$5.00 in cash for the bottle. The subject appeared to be wearing the same clothes as the subject identified as

DWIGHT C. HENLINE from the later ferry footage. Additionally, the subject is wearing a fixed-blade knife in a holster on his left hip and a distinctive tooth-shaped necklace; an unusual club-like object also appeared to be attached to the subject's backpack (*Figure 9*). Agents compared this footage from the Little Store with DWIGHT C. HENLINE's publicly accessible Facebook page. The distinctive tooth-shaped necklace and the club-like object are visible in both (*Figures 10 and 11*).



Figure 7

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Figure 8



Figure 9

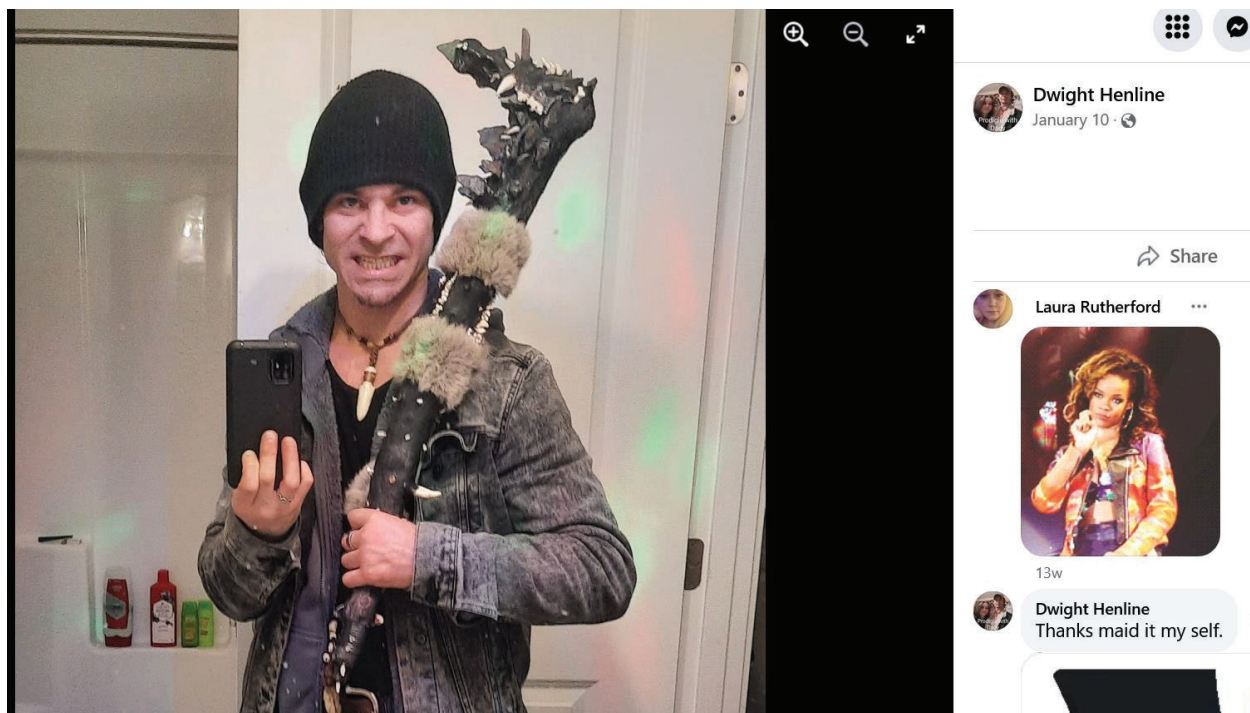


Figure 10

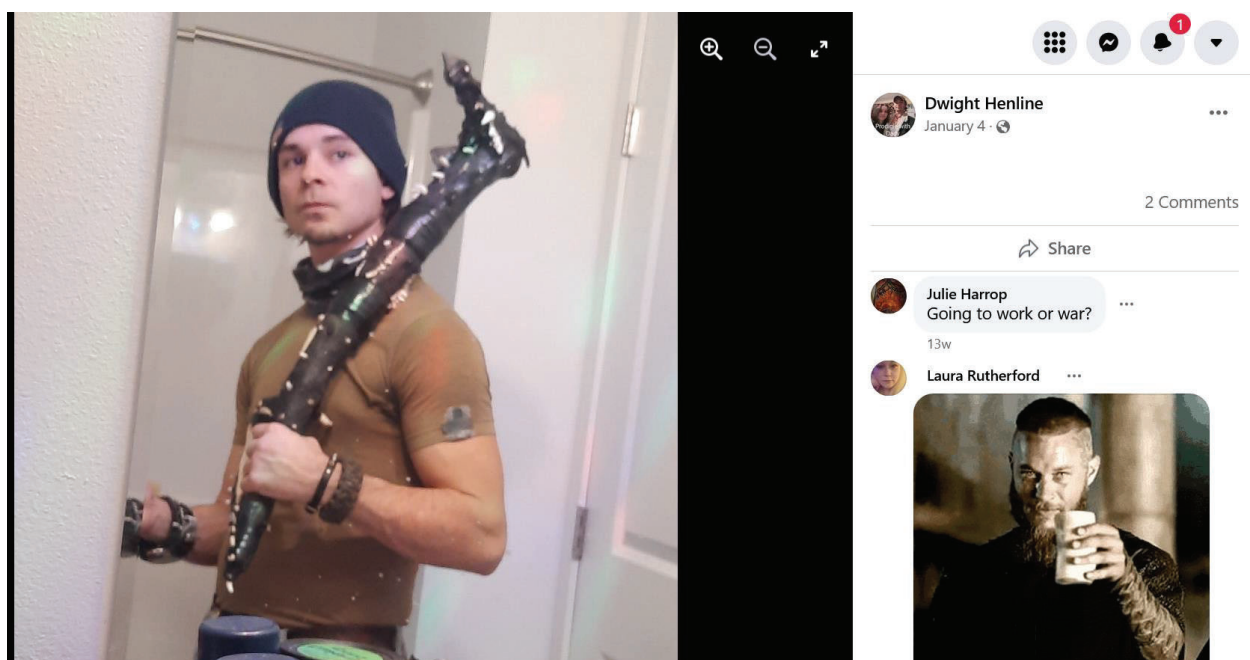


Figure 11

25. ATF agents reviewed surveillance footage from cameras placed in public areas by the Town of Friday Harbor. That footage showed DWIGHT C. HENLINE at 9:55 p.m. (i.e., two minutes after purchasing lighter fuel and nine minutes before the fire began) walking along Sunshine Alley, away from the Little Store, then walking through the alley between the Palace Theatre and the Bait Shop, both of which are located on Spring Street, approximately 450 feet southwest of the fire scene. At approximately 9:56 p.m. (three minutes after buying the lighter fuel and eight minutes before the fire began), DWIGHT C. HENLINE crossed Spring Street, passed King's Market, and continued walking in the direction of Crystal Seas Kayaking (*Figure 12*).

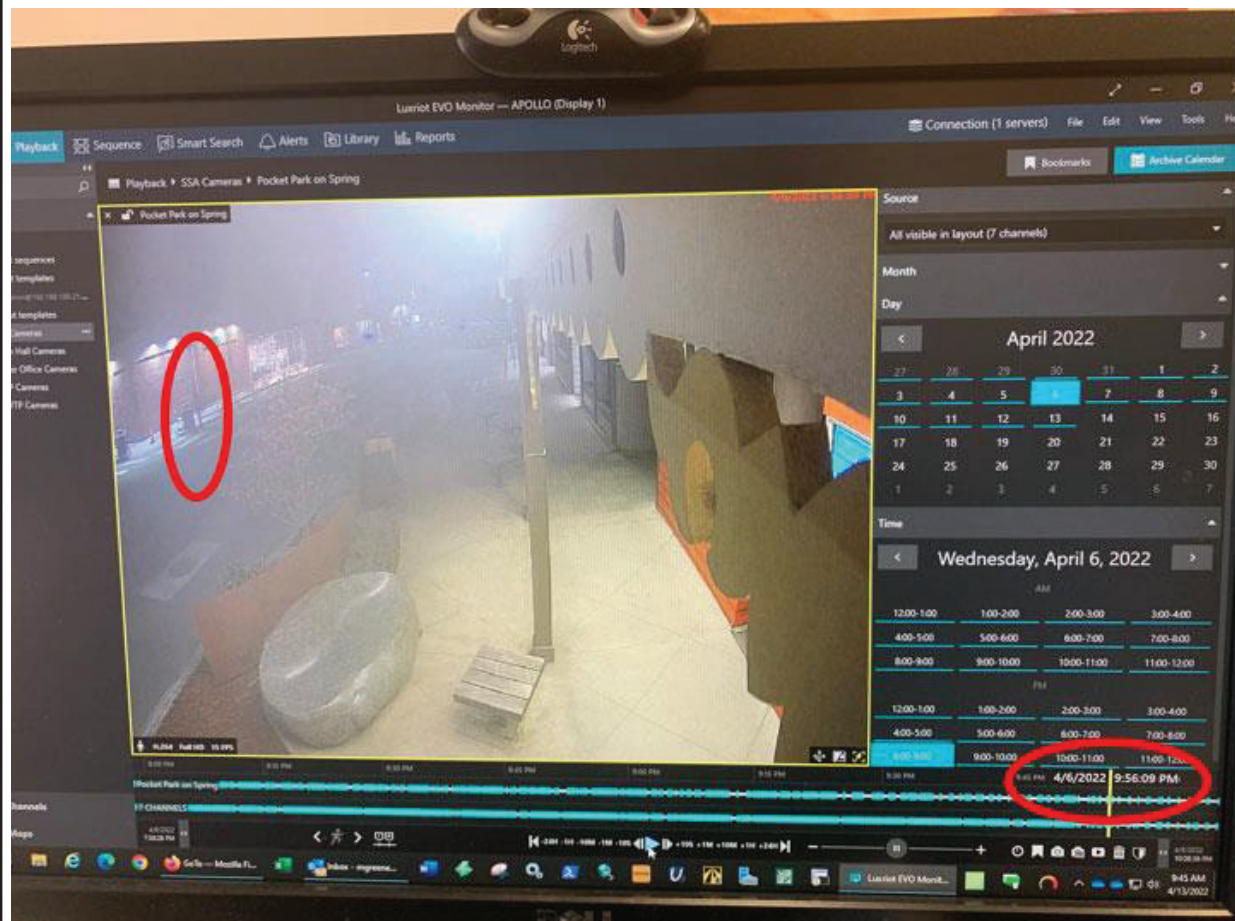


Figure 12

26. To recap the timeline of DWIGHT C. HENLINE's movements on April 6, 2022:

- 1 • 5:04 p.m.: DWIGHT C. HENLINE purchased candy and energy drinks at
2 King's Market.
- 3 • 5:11 p.m.: DWIGHT C. HENLINE purchased bleach and ammonia at
4 King's Market.
- 5 • 7:15 p.m. (approximately): Deputy Holt served DWIGHT C. HENLINE
6 with the trespass notice at Washington State Ferries Lot C.
- 7 • 7:50 p.m.: DWIGHT C. HENLINE walked to Friday Harbor Ice Cream Co.
8 and went to the lower deck; he appeared to be carrying a backpack and
9 rolling a suitcase.
- 10 • 8:10 p.m.: DWIGHT C. HENLINE walked up the stairs from the deck area
11 without the suitcase and traveled southwest towards Cask and Schooner
12 Public House. DWIGHT C. HENLINE appeared to be carrying a backpack.
- 13 • 8:24 p.m. to 9:37 p.m.: DWIGHT C. HENLINE made several trips to and
14 from the Friday Harbor Ice Cream Co. lower deck.
- 15 • 9:53 p.m.: DWIGHT C. HENLINE purchased Ronsonol lighter fuel from
16 the Little Store.
- 17 • 9:55 p.m.: DWIGHT C. HENLINE walked along Sunshine Alley, away
18 from the Little Store, and through the alley between the Palace Theatre and
19 the Bait Shop to Spring Street.
- 20 • 9:56 p.m.: DWIGHT C. HENLINE crossed Spring Street, passed King's
21 Market, and continued to travel towards the area of Crystal Seas Kayaking.
- 22 • 10:04 p.m.: Windermere Real Estate surveillance footage captured a bright
23 30-second flash in the area of Crystal Seas Kayaking, marking the ignition
24 of the ignitable liquid and the beginning of the fire.
- 25 • 10:05 p.m.: DWIGHT C. HENLINE walked from the corner of Cask and
26 Schooner to the Friday Harbor Ice Cream Co. lower deck.
- 27
- 28

- 1 • 10:06 p.m.: DWIGHT C. HENLINE obtained the suitcase from the lower
- 2 deck area of Friday Harbor Ice Cream Co.
- 3 • 10:12 p.m.: DWIGHT C. HENLINE walked towards the ferry's walk-on
- 4 passenger loading area.
- 5 • 10:24 p.m.: DWIGHT C. HENLINE boarded the ferry bound to Anacortes.
- 6 • 11:57 p.m.: DWIGHT C. HENLINE disembarked the ferry in Anacortes.
- 7 • 12:04 a.m.: DWIGHT C. HENLINE entered a dark-colored sedan and
- 8 departed the ferry lot.

9 27. Through reviewing multiple surveillance videos, investigators did not
 10 observe much foot traffic in the area of Spring Street near Crystal Springs Kayaking on
 11 April 6, 2022, especially after 9:00 p.m.

12 *Vehicle Search Warrant*

13 28. On April 11, 2022, after identifying DWIGHT C. HENLINE as the
 14 probable suspect, ATF SA Michelin looked for the light-green, 1999 Mercury Villager
 15 minivan with Washington license plate BLG0649, the same vehicle in which Deputy Holt
 16 contacted DWIGHT C. HENLINE on April 6, 2022. Agent Michelin found it at
 17 approximately 8:50 a.m. parked in the Friday Harbor Washington State Ferries
 18 Commuter Parking Lot C, in the area of Nichols Street East and B Street, where Deputy
 19 Holt had contacted DWIGHT C. HENLINE. Subsequent checks of Washington
 20 Department of Licensing (DOL) records showed the vehicle was registered to Dwight C.
 21 Henline.

22 29. At approximately 9:12 a.m., two of the investigators assigned to this case,
 23 ATF SA Heller and SJCSO Detective Peter, went to Lot C and observed the same
 24 minivan. Agent Heller and Detective Peter looked through the vehicle's windows but did
 25 not open any doors or windows. They observed that the vehicle was packed very full of
 26 miscellaneous belongings. A black pistol holster was visible on the driver's seat near the
 27 center armrest. Due to DWIGHT C. HENLINE's conviction for Assault 4 Domestic
 28 Violence, he was not eligible to possess firearms under state law. They also saw a plastic

1 jug partially full of liquid on the driver's floorboard. No markings were visible on the
2 container. They saw a BIC brand lighter in an open compartment on the driver's door
3 near the window controls. SA Heller took photographs of the vehicle and the items of
4 interest. The vehicle was subsequently impounded and secured at the SJCSO lot; it was
5 not operable.

6 30. On the same day, at approximately 10:00 p.m., agents executed a search
7 warrant obtained from the San Juan County Superior Court on DWIGHT C. HENLINE's
8 1999 Mercury Villager minivan. Among other items, investigators recovered a King's
9 Market receipt dated April 6, 2022, at 17:05:38, documenting a purchase of two energy
10 drinks and M&Ms; multiple lighters; charcoal lighter fluid; an aluminum bat with screws
11 attached; and gasoline samples from a gas can. (Note: The charcoal lighter fluid and the
12 gas can were both located in the back seat under belongings and were not immediately
13 accessible.)

14 **Phone contact with DWIGHT C. HENLINE**

15 31. On April 13, 2022, Agent Heller and Detective Peter contacted DWIGHT
16 C. HENLINE's mother J. Harrop in unincorporated Island County. She confirmed (360)
17 544-2519 was the current cell phone number for DWIGHT C. HENLINE, and that she
18 was his mother. She further stated DWIGHT C. HENLINE was not at her home, but was
19 elsewhere on Whidbey Island. J. Harrop said DWIGHT C. HENLINE had called her
20 around 7:00 p.m. on Wednesday (April 6, 2022), and she picked him up from the ferry in
21 Anacortes. J. Harrop said DWIGHT C. HENLINE was "done" with being in Friday
22 Harbor and was upset with his former roommate "E." J. Harrop stated that DWIGHT C.
23 HENLINE stayed at her house located in Oak Harbor, Washington, from the time she
24 picked him up from the ferry in the early morning hours of April 7, 2022, until April 12,
25 2022, when she stated she drove DWIGHT C. HENLINE to her parents' (DWIGHT C.
26 HENLINE's grandparents') residence in Langley, Washington. A search of Washington
27 State Driver's records showed DWIGHT C. HENLINE has a listed address in Langley,
28 Washington. A search of Island County Assessor's records showed that that property was

1 owned by William (W.) Harrop. A public records search showed W. Harrop was 80 years
2 old and a relative of J. Harrop and DWIGHT C. HENLINE. Information obtained from
3 Island County Sheriff's Office (ICSO) indicated that J. Harrop was also associated with
4 that address.

5 32. Later, on April 13, 2022, Agent Heller and Detective Peter called DWIGHT
6 C. HENLINE on the number they obtained from SCJCSO records that his mother had
7 confirmed. They advised DWIGHT C. HENLINE that their conversation was being
8 recorded. DWIGHT C. HENLINE stated that he had left Friday Harbor and was "done
9 with that place." DWIGHT C. HENLINE confirmed that he had had contact with a
10 SJCSO deputy who had served him with a trespass notice.

11 33. DWIGHT C. HENLINE claimed that after his contact with the deputy, he
12 had played an augmented reality type game on his phone, of a type similar to the popular
13 game Pokémon Go. He said this game involved moving around and finding things.
14 DWIGHT C. HENLINE said he was in the area of the high school and a bench near Key
15 Bank and when playing the game. DWIGHT C. HENLINE said the only business he
16 entered was the Little Store. He said at the Little Store he purchased non-alcoholic drinks.
17 DWIGHT C. HENLINE denied purchasing any lighters or lighter fluid and also said he
18 did not see anyone else purchasing lighters or lighter fluid that day. DWIGHT C.
19 HENLINE said he then picked up a chicken wrap from Haley's. Haley's Sports Bar &
20 Grill is located at 175 Spring Street, Friday Harbor, Washington, and is across the street
21 and a block away the scene of the fire. DWIGHT C. HENLINE said he decided not to eat
22 in the restaurant because they appeared to be about to close. (Note: surveillance footage
23 showed DWIGHT C. HENLINE departing Haley's at approximately 9:09 p.m.)
24 DWIGHT C. HENLINE said he then walked down towards the ferry terminal. He said he
25 walked on the Haley's and Chinese pizza restaurant side of the street. (This would be the
26 southeast side of Spring Street, across the street from the scene of the fire. Although
27 earlier video showed DWIGHT C. HENLINE walking down this side of the street, the
28 video from immediately before the fire was ignited and after the fire was ignited when he

1 was heading to the ferry showed him on the opposite side of the street, where Crystal
2 Seas Kayaking and the other businesses that burned were located.) DWIGHT C.
3 HENLINE said that as he walked by, he saw some people outside of Herb's Tavern. He
4 estimated this was about 9:30 p.m. DWIGHT C. HENLINE said he ate his food and had a
5 cigarette near an ice cream shop where he could watch for the ferry to arrive. DWIGHT
6 C. HENLINE said he did not walk behind any buildings or go anywhere else because he
7 was trying to catch the ferry.

8 **Search of residence associated with DWIGHT C. HENLINE and recovery of the**
9 **cellular phone**

10 34. On April 14, 2022, Detective Peter obtained a real-time location warrant for
11 the cell phone with phone number (360) 544-2519. Location data obtained on April 14,
12 2022, showed cellular phone locations between Langley and Freeland, Washington, on
13 Whidbey Island. At approximately 4:30 a.m. on April 15, 2022, the data showed no
14 location, indicating the phone was off or in an area with no service. On April 15, 2022, at
15 approximately 1:13 p.m., agents began to receive location data again in 15-minute
16 intervals (sometimes called pings), as is common. The location data varied in precision
17 and did not pinpoint an exact location. However, DWIGHT C. HENLINE's
18 grandparents' address was in the area of the pings on the afternoon of April 15, 2022,
19 with a ping at 3:14 p.m. centered less than 200 feet from DWIGHT C. HENLINE's last
20 known address.

21 35. On April 15, 2022, at approximately 5:34 p.m., SJCSO, ATF, the Island
22 County Sheriff's Office (ICSO), and Langley Police served a San Juan County Superior
23 Court search warrant on the residence in Langley, Washington, associated with DWIGHT
24 C. HENLINE and his grandparents. The occupants of the residence, William and Susan
25 Harrop, were identified as DWIGHT C. HENLINE's grandparents. W. Harrop confirmed
26 that DWIGHT C. HENLINE came to the home approximately two-and-a-half days prior
27 and had been staying exclusively in a spare bedroom in the southeast corner of the
28

1 residence. W. Harrop advised HENLINE left the residence approximately thirty minutes
2 prior to the investigators' arrival.

3 36. During the execution of the search warrant, agents found the following
4 items in the room that W. Harrop had identified as the one used by DWIGHT C.
5 HENLINE: an 8-ounce yellow Ronsonol lighter fuel container, consistent with the one
6 that DWIGHT C. HENLINE purchased from the Little Store right before the fire began,
7 that was mostly empty; several BIC lighters; clothing consistent with what was worn by
8 DWIGHT C. HENLINE in the various surveillance videos collected during the
9 investigation; and a black suitcase also consistent with what was seen in the surveillance
10 footage. Investigators also found a black cellular phone (SUBJECT DEVICE) that they
11 determined was DWIGHT C. HENLINE's and seized it pursuant to the search warrant.
12 (Note: W. Harrop confirmed the cellular phone belonged to DWIGHT C. HENLINE.)
13 The SUBJECT DEVICE was a black cellular phone, Galaxy A51 model, manufactured
14 by Samsung, IMEI: 354030116084186, in a black case.

15 37. Following the execution of the residence search warrant, agents obtained a
16 state arrest warrant. Langley Police Department officers ultimately located and arrested
17 DWIGHT C. HENLINE in Langley on April 16, 2022.

18 **DWIGHT C. HENLINE's Possession of SUBJECT DEVICE on April 6, 2022**

19 38. On May 9, 2022, ATF SA/Digital Media Collection Specialist Lexie
20 Widmer examined the SUBJECT DEVICE, an Android smartphone, pursuant to a
21 Federal Search Warrant MJ22-203, which included the extraction of the device data. The
22 forensic examination of the SUBJECT DEVICE showed it was associated with the
23 Google account: **dwighthenline44@gmail.com** (Target Account). Based on my training
24 and experience, messages, emails, voicemails, photos, videos, documents, and internet
25 searches are often created and used in furtherance of criminal activity, including to
26 communicate and facilitate the offense under investigation. Thus, stored communications
27 and files connected to a Target Account may provide direct evidence of the offenses
28

1 under investigation. A preservation letter for the Target Account was sent on June 10,
2 2022.

3 39. Account activity may provide relevant location history and location
4 reporting providing evidence of DWIGHT C. HENLINE's location before, during, and
5 following the commission of the arson. Such location history may result in additional
6 witnesses to his conduct before, during, and in the days following the arson.

7 40. Account activity may also provide relevant insight into the account owner's
8 state of mind as it relates to the offenses under investigation. For example, information
9 on the account may indicate the owner's motive and intent to commit a crime (*e.g.*,
10 information indicating a plan to commit a crime), or consciousness of guilt (*e.g.*, deleting
11 account information in an effort to conceal evidence from law enforcement).

12 41. The extracted data showed, amongst others, photos of DWIGHT C.
13 HENLINE taken on April 4, 2022, and a video of DWIGHT C. HENLINE taken on April
14 7, 2022. SUBJECT DEVICE also used phone number (360) 544-2519 with cell phone
15 provider Verizon. As noted earlier in this affidavit, DWIGHT C. HENLINE provided law
16 enforcement with his phone number: (360) 544-2519 on February 22, 2022. Also, J.
17 Harrop, DWIGHT C. HENLINE's mother, confirmed (360) 544-2519 was the current
18 cell phone number for him during her contact with law enforcement on April 13, 2022,
19 and that he had called her on the evening of April 6, 2022. The extracted data showed
20 incoming and outgoing call records to and from "Mom."

21 **Lighter fuel**

22 42. Investigators purchased Ronsonol lighter fuel from the Little Store for
23 \$4.87. They compared the Ronsonol lighter fuel container that they purchased to the
24 Ronsonol lighter fuel container they recovered during the search warrant; the two
25 containers appeared to be identical. During the examination of the bottle recovered from
26 DWIGHT C. HENLINE's room, a set of printed characters were observed on the bottle:
27 "102819621UV!" (***Figure 13***). During the examination of the bottle purchased from The
28

1 Little Store by the investigators, the same set of printed characters (“102819621UV!”)
 2 were observed on the bottom.



17 *Figure 13*

18 43. The Ronsonol lighter fuel bottle indicated that when new it contained 237
 19 mL of product. Investigators measured the contents of the bottle recovered from
 20 DWIGHT C. HENLINE’s room during the search warrant. Approximately 30 mL
 21 remained in it (*Figure 14*).

22 //

23 //



Figure 14

44. Ronsonol lighter fuel is commonly used to fill refillable lighters. It is marked as being “extremely flammable.” During the executions of the search warrant of the residence and DWIGHT C. HENLINE’s minivan, no refillable lighters were recovered. All the lighters recovered from the vehicle and the residence were of a disposable type.

Witness Interviews

45. SA Heller interviewed an ex-roommate of DWIGHT C. HENLINE’s, E.K. E.K. said he met DWIGHT C. HENLINE through Alcoholics Anonymous in the summer of 2021. He said they lived together from approximately November 2021 through February 2022. E.K. said DWIGHT C. HENLINE dated S.M. for a brief period in the fall of 2021. E.K. said S.M. broke up with DWIGHT C. HENLINE. He said this breakup caused a noticeable change in DWIGHT C. HENLINE’s personality. E.K. described DWIGHT C. HENLINE after this breakup as “manic” and said DWIGHT C. HENLINE

1 made statements threatening to hurt people. These statements included DWIGHT C.
2 HENLINE discussing cutting off people's skin. E.K. said DWIGHT C. HENLINE began
3 arming himself with knives, a club, and weapons made from animal bones. E.K. also said
4 that discussions about A.C., a different ex-girlfriend of DWIGHT C. HENLINE's, were
5 triggers that caused DWIGHT C. HENLINE to exhibit aggressive behavior, including
6 swinging his club.

7 46. SA Heller also interviewed S.M., who said that she had a relationship with
8 DWIGHT C. HENLINE in the fall of 2021 but said she had not considered the two of
9 them to be a couple. She said at some point she made that fact clear to DWIGHT C.
10 HENLINE and ended the relationship. She said from approximately January 2022
11 forward she only saw DWIGHT C. HENLINE at Alcoholics Anonymous meetings. S.M.
12 said that DWIGHT C. HENLINE never made threats directly to her but appeared to be
13 upset with everyone. S.M. reported that she had not seen DWIGHT C. HENLINE
14 recently and did not see him the day before the fire. S.M. reported having received some
15 social media messages from DWIGHT C. HENLINE on approximately April 2, 2022, but
16 ignored them and didn't open them. S.M. reported that she believed DWIGHT C.
17 HENLINE was on Whidbey Island.

18 47. S.M. reported that on April 6, 2022, (the evening before the fire) she went
19 to Herb's Tavern to play pool. S.M. arrived between 8:30 and 9:00 p.m. and parked on
20 the side of Spring Street, opposite of Herb's Tavern. S.M. reported she went out to her
21 vehicle intending to leave at approximately 10:00 p.m., but discovered that her front
22 passenger side tire was completely flat as she attempted to drive. S.M. re-parked her car
23 directly in front of Herb's Tavern and got a ride out of the area at approximately 10:30
24 p.m. S.M. left her vehicle and did not get it back until after the fire.

25 48. S.M. reported DWIGHT C. HENLINE would have recognized her vehicle
26 because he had seen her driving it and had ridden in it before. S.M. reported having
27 replaced the damaged tire but she kept the flat tire. SA Heller and a SJCSO detective
28 arranged to meet with S.M. and inspect the tire. Upon inspection, SA Heller and the

1 SJCSO detective observed a cut in the sidewall of the tire that extended all the way
2 through the rubber to the inside of the tire.

3 *Activities affecting interstate commerce*

4 49. The primary buildings and businesses damaged or destroyed in the fire in
5 Friday Harbor, Washington were:

- 6 • 40 Spring Street: Crystal Seas Kayaking, San Juan Property Management, and
- 7 San Juan Excursions
- 8 • 50 Spring Street: Windemere Real Estate
- 9 • 70 Spring Street: Crow's Nest Coffee
- 10 • 80 First Street South: Herb's Tavern

11 50. Fire investigators determined that the fire started in the decked area
12 attached to 40 Spring Street. Investigators interviewed the owners of that building and the
13 businesses that are based in it.

14 51. Crystal Seas Kayaking offers sea kayaking trips and bicycle tours in the
15 San Juan Islands. Friday Harbor and San Juan Island generally are tourist destinations,
16 and tourism is a major business in the town and region. The owners of Crystal Sea
17 Kayaking explained that it is common for individuals who reside outside of the state of
18 Washington and even outside of the United States to travel to Friday Harbor and take
19 their biking or kayaking tours. The owners are aware of the states and countries of
20 residence of their guests from having conversations with them, as well as from reviewing
21 addresses the guests listed on waiver forms. Crystal Seas Kayaking maintains a website
22 that it uses for advertising and booking, uses Google advertisements, and offers remote
23 tour bookings via the phone and internet. Crystal Seas Kayaking accepts major credit
24 cards via the credit card processing company Heartland. From prior experience serving
25 court orders and from open-source research, I am aware that Google is headquartered in
26 California and Heartland is headquartered in Oklahoma.

27 52. San Juan Excursions offers wildlife and whale watching tours. Like Crystal
28 Seas Kayaking, the owners are aware that guests travel from out of the state and out of

1 the country. Again, this knowledge comes from conversations with the guests and from
 2 reviewing addresses the guests listed on waiver forms. San Juan Excursions also offers
 3 remote tour bookings via phone and internet and accepts credit card payments via credit
 4 card processor Heartland.

5 53. San Juan Property Management manages vacation rentals on San Juan
 6 Island and Orcas Island. As with the other two above businesses, the owners are aware
 7 that it is common for individuals who reside outside of the State of Washington,
 8 including outside of the United States, to travel the San Juan Islands and stay in managed
 9 vacation rentals. This knowledge comes from conversations with guests as well as from
 10 reviewing booking information. San Juan Property Management books rental units
 11 through its own website, through VRBO, and through AirBnB. Credit cards are accepted
 12 through either VRBO, Air BnB, or the credit card processor Vacation Rent Payment.
 13 Open-source research indicates that VRBO is headquartered in Texas, and Airbnb and
 14 Vacation Rent Payment are headquartered in California.

15 54. Also, Windermere Real Estate manages vacation rentals, in addition to
 16 selling real property. Crow's Nest Coffee and Herb's Tavern are restaurants.

17 **BACKGROUND OF GOOGLE SERVICES**

18 In my training and experience, I have learned that Google provides a wide variety
 19 of on-line services, including electronic mail ("e-mail") access and instant messaging
 20 (otherwise known as "chat" messaging), to the general public. Google provides
 21 subscribers e-mail and chat accounts at the domain name "@gmail.com." Google also
 22 allows subscribers to register a custom domain name and set up Google services such as
 23 chat and e-mail using that domain name instead of "@gmail.com." Google also hosts
 24 domains and provides a multitude of services that can be linked and managed through a
 25 common account.

26 **A. Subscriber Records and Account Content**

27 Subscribers obtain an account by registering with Google. When doing so, e-mail
 28 providers like Google ask the subscriber to provide certain personal identifying

1 information. This information can include the subscriber's full name, physical address,
2 telephone numbers and other identifiers, alternative e-mail addresses, and, for paying
3 subscribers, means and source of payment (including any credit or bank account number).
4 In my training and experience, such information may constitute evidence of the crimes
5 under investigation because the information can be used to identify the account's user or
6 users, and to help establish who has dominion and control over the account.

7 E-mail providers typically retain certain transactional information about the
8 creation and use of each account on their systems. This information can include the date
9 on which the account was created, the length of service, records of log-in (i.e., session)
10 times and durations, the types of service utilized, the status of the account (including
11 whether the account is inactive or closed), the methods used to connect to the account
12 (such as logging into the account via Google's websites), and other log files that reflect
13 usage of the account. In addition, e-mail providers often have records of the Internet
14 Protocol address ("IP address") used to register the account and the IP addresses
15 associated with particular logins to the account. Because every device that connects to
16 the Internet must use an IP address, IP address information can help to identify which
17 computers or other devices were used to access the e-mail account.

18 In some cases, e-mail account users will communicate directly with an e-mail
19 service provider about issues relating to the account, such as technical problems, billing
20 inquiries, or complaints from other users. E-mail providers typically retain records about
21 such communications, including records of contacts between the user and the provider's
22 support services, as well records of any actions taken by the provider or user as a result of
23 the communications. In my training and experience, such information may constitute
24 evidence of the crimes under investigation, because the information can be used to
25 identify the account's user or users.

26 In general, an e-mail that is sent to a Google subscriber is stored in the
27 subscriber's "mailbox" on Google's servers until the subscriber deletes the e-mail. When
28 the subscriber sends an e-mail, it is initiated at the user's computer, transferred via the

1 Internet to Google servers, and then transmitted to its end destination. Google often
2 maintains a copy of received and sent e-mails. Unless the sender specifically deletes an
3 e-mail from the Google server, the e-mail can remain on the system indefinitely. Even if
4 the subscriber deletes the e-mail, it may continue to be available on Google's servers for
5 some period of time.

6 A sent or received e-mail typically includes the content of the message, source and
7 destination addresses, the date and time at which the e-mail was sent, and the size and
8 length of the e-mail. If an e-mail user writes a draft message but does not send it, that
9 message may also be saved by Google but may not include all of these categories of data.

10 In addition to e-mail and chat, subscribers numerous other services including:
11 Android, Blogger, Google Alerts, Google Calendar, Google Chrome Sync, Google Cloud
12 Print, G-Suite, Google Developers Console, Google Drive, Google Hangouts, Google
13 Maps, Google Payments, Google Photos, Google Search Console, Google Voice,
14 Google+, Google Profile, Location History, Web & Activity, and YouTube, among
15 others. Among other things, Google Search Console records a Google account user's
16 search queries. Google Web & Activity records certain browsing history depending on
17 whether the account holder is logged into their account. Like many internet service
18 companies, the services Google offers are constantly changing and evolving.

19 Search and browsing history can also be extremely useful in identifying those
20 using anonymous online accounts and may also constitute direct evidence of the crime
21 under investigation to the extent the browsing history or search history might include
22 searches and browsing history related to arson, ignitable materials, and other evidence of
23 the crime under investigation and confirm the identity and location of the account user.

24 **B. Google Location History and Location Reporting**

25 According to Google's website, "Location Reporting" allows Google to
26 periodically store and use a device's most recent location data in connection with the
27 Google Account connected to the device. "Location History" allows Google to store a
28 history of location data from all devices where a user is logged into their Google Account

1 and has enabled Location Reporting. According to Google “when you turn on Location
2 Reporting for a device like your iPhone or iPad, it lets Google periodically store and use
3 that device’s most recent location data in connection with your Google Account.” How
4 often Location Reporting updates location data is not fixed. Frequency is determined by
5 factors such as how much battery life the device has, if the device is moving, or how fast
6 the device is moving. Google’s location services may use GPS, Wi-Fi hotspots, and
7 cellular network towers to determine an account holder’s location.

8 Based on the above, I know that if a user of a Target Account utilizes a mobile
9 device to access the respective account identified in Attachment A and has not disabled
10 location services on his device/s or through the Google account settings, Google may
11 have detailed records of the locations at which the account holders utilized the mobile
12 device/s. This type of evidence may further assist in identifying the account holder and
13 lead to the discovery of other evidence of the crime under investigation.

14 I know that Google’s Android service collects and stores identifying information
15 about an Android smart phone used to access the Google account, including the
16 International Mobile Equipment Identifier (IMEI), International Mobile Subscriber
17 Identity (IMSI), telephone number and mobile carrier code. I know that Google’s
18 Location History service periodically queries the physical location of a device that is
19 currently accessing a Google account through the device’s GPS, nearby Wi-Fi network
20 IDs and cellular tower information and records a history of device movements in
21 Google’s servers.

22 Google is also able to provide information that will assist law enforcement in
23 identifying other accounts associated with the Target Account. In particular, Provider
24 can provide information identifying and relating to other accounts used by the same
25 subscriber. This information includes any forwarding or fetching accounts¹ related to the
26

27 ¹ A forwarding or fetching account related to one of subject accounts would be a separate email
28 account that can be setup by the user to receive copies of all of the email sent to the subject
account.

1 Target Account; all other accounts linked to the Target Account because they were
 2 accessed from the same computer (referred to as “cookie overlap”); all other accounts
 3 that list the same SMS phone number as the Target Account; all other accounts that list
 4 the same recovery email addresses as the Target Account; and all other accounts that
 5 share the same creation IP addresses as the Target Account. This information will assist
 6 law information in determine who controls the Target Account and in identifying other
 7 accounts utilized by the malware scheme.

8 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

9 I anticipate executing this warrant under the Electronic Communications Privacy
 10 Act (ECPA), in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
 11 using the warrant to require Provider to disclose to the government copies of the records
 12 and other information (including the content of communications) particularly described in
 13 Section I of Attachment B. Upon receipt of the information described in Section I of
 14 Attachment B, government-authorized persons will review that information to locate the
 15 items described in Section II of Attachment B.

16 Pursuant to Title 18, United States Code, Section 2703(g), this application and
 17 affidavit for a search warrant seeks authorization to permit Provider, and its agents and
 18 employees, to assist agents in the execution of this warrant. Once issued, the search
 19 warrant will be presented to Provider with direction that it identify the account described
 20 in Attachment A to this affidavit, as well as other subscriber and log records associated
 21 with the accounts, as set forth in Section I of Attachment B to this affidavit.

22 The search warrant will direct Provider to create an exact copy of the specified
 23 server, account and records.

24 I, and/or other law enforcement personnel will thereafter review the copy of the
 25 electronically stored data, and identify from among that content those items that come
 26 within the items identified in Section II to Attachment B, for seizure.

27 Analyzing the data contained in the copy of the specified account may require
 28 special technical skills, equipment, and software. It could also be very time-consuming.

1 Searching by keywords, for example, can yield thousands of “hits,” each of which must
2 then be reviewed in context by the examiner to determine whether the data is within the
3 scope of the warrant. Merely finding a relevant “hit” does not end the review process.
4 Keywords used originally need to be modified continuously, based on interim results.
5 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords,
6 search text, and many common e-mail, database and spreadsheet applications do not store
7 data as searchable text. The data may be saved, instead, in proprietary non-text format.
8 And, as the volume of storage allotted by service providers increases, the time it takes to
9 properly analyze recovered data increases, as well. Consistent with the foregoing,
10 searching the recovered data for the information subject to seizure pursuant to this
11 warrant may require a range of data analysis techniques and may take weeks or even
12 months. All forensic analysis of the data will employ only those search protocols and
13 methodologies reasonably designed to identify and seize the items identified in Section II
14 of Attachment B to the warrant.

15 CONCLUSION

16 55. Based on the forgoing, I request that the Court issue the proposed search
17 warrant. This Court has jurisdiction to issue the requested warrant because it is “a court
18 of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
19 (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .
20 that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).).
21 Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant by serving the
22 warrant on the Provider. Because the warrant will be served on the Provider, who will
23 then compile the requested records and data, reasonable cause exists to permit the
24 execution of the requested warrant at any time in the day or night. Accordingly, by this
25 Affidavit and Warrant, I seek authority for the government to search all of the items
26 specified in Section I, Attachment B (attached hereto and incorporated by reference
27 herein) to the Warrant, and specifically to seize all of the data, documents and records
28 that are identified in Section II to that same Attachment.

Natalia Vorotnikova, Special Agent
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on this 16 day of June, 2022.



Brian A. Tsuchida
~~Chief~~ United States Magistrate Judge

ATTACHMENT A**Account to be Searched**

The electronically stored data, information and communications contained in, related to, and associated with, including all preserved data (including, but not limited to, the preservation requests referenced below) associated with the following account(s):

- **dwighthenline44@gmail.com**

(“Target Account”), as well as all other subscriber and log records associated with each account, which are located at premises owned, maintained, controlled or operated by Google LLC (“Google” or “Provider”), an electronic communications and online service provider headquartered at 600 Amphitheatre Parkway, Mountain View, California.

Google Reference #19817576

ATTACHMENT B**Items to be Seized****I. Section I - Information to be disclosed by Google, for search:**

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, regardless of whether such information is located within or outside of the United States, including any e-mails, records, files, logs, or information that has been deleted but is still available to Google, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), including **Google Reference #19817576**, Google is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- (a) The contents of all emails associated with the account from **April 1, 2022 to April 15, 2022**, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;
- (b) All subscriber records associated with the specified account, including 1) names, email addresses, and screen names; 2) physical addresses; 3) records of session times and durations; 4) length of service (including start date), account status, and types of services utilized; 5) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address such as internet protocol address, media access card addresses, or any other unique device identifiers in relation to the account; 6) account log files (login IP address, account activation IP address, and IP address history); 7) detailed billing records/logs; 8) means and source of payment; and 9) language settings;
- (c) Google Search Console content and search history;
- (d) Google Web & Activity content and web browsing history;

- 1 (e) Google Location History content and other location data, including GPS,
2 Wi-Fi, or cell tower proximity records;
- 3 (f) Contact lists, buddy lists, and address books;
- 4 (g) Google Voice content, including any stored voicemails and messages;
- 5 (h) Google Chrome Sync content;
- 6 (i) Google Chat/Messenger information and/or records, including any contact
7 or friend list, time, date, and IP address logs for Chat and Messenger use,
8 and any archived web messenger communications stored on servers;
- 9 (j) Google Drive content (including backups of any apps);
- 10 (k) Google Calendar content;
- 11 (l) Google Maps content;
- 12 (m) Google Photos content;
- 13 (n) Google Hangouts content;
- 14 (o) Google Developer Console content;
- 15 (p) Google Docs content;
- 16 (q) Google Domains records, including records related to any registered or
17 hosted domains;
- 18 (r) All privacy and account settings;
- 19 (s) Records of all changes to the account information and account settings;
- 20 (t) All logs records of account activity related to the account;
- 21 (u) All information about connections between the account and third-party
22 websites and applications;
- 23 (v) All records pertaining to communications between your entity and the
24 account holder (or a representative thereof) regarding the account,
25 including contacts with support services, and all records of actions taken,
26 including suspensions of the account;
- 27 (w) All complaints and records relating to any adverse action taken on the
28 account, including an account suspension for violations of terms of service,

whether temporary or permanent, the details surrounding that adverse action, and any communications related thereto;

(x) List of linked accounts (collectively the “Linked Subject Accounts”) based on the following:

- i. a list of all other accounts linked to each Target Account because of cookie overlap with a Target Account;
- ii. a list of all other accounts that list the same SMS phone number as each Target Account;
- iii. a list of all other accounts that list the same recovery email address as each Target Account; and,
- iv. a list of all other accounts that shared the same creation IP address as each Target Account within 30 days of creation;

(y) Subscriber records for each of the Linked Subject Accounts (non-content) including 1) names, email addresses, and screen names; 2) physical addresses; 3) records of session times and durations; 4) length of service (including start date) and types of services utilized; 5) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address such as internet protocol address, media access card addresses, or any other unique device identifiers recorded by Provider in relation to the account; 6) account log files (login IP address, account activation IP address, and IP address history); 7) detailed billing records/logs; 8) means and source of payment; and 9) language settings.

Provider is hereby ordered to disclose the above information to the government within 14 DAYS of receipt of service of this warrant.

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II. Section II - Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence, and instrumentalities of violations of Title 18, United States Code, Section 884(i) (Arson), those violations occurring between at least April 1, 2022, through April 15, 2022, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- (a) Evidence of any attempt or plan to engage in arson or to otherwise cause damage to property located in Friday Harbor, San Juan County;
- (b) Evidence of any attempt or plan to target particular victims or particular businesses or locations to include underlying motivation(s) to attempt to plan to target particular victims or particular businesses or locations;
- (c) Evidence of the identity of the user(s) of the account;
- (d) Evidence of the location or whereabouts, both current and historical, of the user(s) of the account;
- (e) Evidence indicating the account user's state of mind as it relates to the crime under investigation;
- (f) Evidence of the account user's ownership, control, or use of particular email, social media, or online accounts;
- (g) All messages, documents, and profile information, attachments, or other data that serves to identify any persons who use or access the account specified, or who exercise in any way any dominion or control over the specified account;
- (h) Any address lists or buddy/contact lists associated with the specified account, and other information regarding potential co-conspirators, criminal

1 associates, or suspected victims or targets (i.e., attempted victims) of the
2 arson;

- 3 (i) All subscriber records associated with the specified account, including
4 name, address, local and long distance telephone connection records, or
5 records of session times and durations, length of service (including start
6 date) and types of service utilized, telephone or instrument number or other
7 subscriber number or identity, including any temporarily assigned network
8 address, and means and source of payment for such service) including any
9 credit card or bank account number;
- 10
- 11 (j) Any and all other log records, including IP address captures, associated
12 with the specified account;
- 13
- 14 (k) Any records of communications between Provider, and any person about
15 issues relating to the account, such as technical problems, billing inquiries,
16 or complaints from other users about the specified account. This to include
17 records of contacts between the subscriber and the provider's support
18 services, as well as records of any actions taken by the provider or
19 subscriber as a result of the communications;
- 20
- 21 (l) Any complaints and records relating to any adverse action taken on the
22 account, including an account suspension for violations of terms of service,
23 whether temporary or permanent, the details surrounding that adverse
24 action, and any communications related thereto.

25
26 This warrant authorizes a review of electronically stored information, communications,
27 other records and information disclosed pursuant to this warrant in order to locate
28 evidence, fruits, and instrumentalities described in this warrant. The review of this

1 | electronic data may be conducted by any government personnel assisting in the
2 | investigation, who may include, in addition to law enforcement officers and agents,
3 | attorneys for the government, attorney support staff, and technical experts. Pursuant to
4 | this warrant, the ATF may deliver a complete copy of the disclosed electronic data to the
5 | custody and control of attorneys for the government and their support staff for their
6 | independent review.
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CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by _____ (“Provider”), and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Provider. The attached records consist of _____

[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Provider, and they were made by Provider as a regular practice; and

b. such records were generated by Provider’s electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Provider in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Provider, and at all times pertinent to the records certified here the process and system functioned properly and normally.

1 I further state that this certification is intended to satisfy Rules 902(11) and
2 902(13) of the Federal Rules of Evidence.

3
4
5 _____
6 Date

_____ Signature